



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 5752-99

3 March 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments  
(2) NPC Memo 1900 Ser 814/OU0191 of 15 Feb 00  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy filed enclosure (1) with this Board requesting, in effect, that the record be corrected to show that he was involuntarily discharged.

2. The Board, consisting of Mr. Caron, Mr. Bishop and Ms. Hardbower, reviewed Petitioner's allegations of error and injustice on 29 February 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. The record shows that Petitioner's request for reenlistment was denied because he had reached the high year tenure (HYT) for an E-4 of 10 years. He was honorably discharged on 17 May 1989. At that time he had completed 10 years and 17 days of active duty. At that time he was assigned a separation program designator (SPD) code of KBK and an RE-R1 reenlistment code, which indicates that his discharge was voluntary and he was eligible to reenlist. The DD Form 214 shows that he was paid separation pay of \$13,075.13, which can only happen if the discharge was involuntary.

d. At enclosure (2) is an advisory opinion from the Enlisted Favorable Separations Section in the Navy Personnel Command which recommends that the SPD and reenlistment code be

changed to JBK and RE-6, respectively.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes the documentation of record that shows that reenlistment was denied because he had reached HYT. Therefore, the Board agrees with the advisory opinion that the SPD and reenlistment code should be changed to JBK and RE-6. The DD Form 214 will then show that he was involuntarily discharged and was denied reenlistment because of HYT.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand that he was involuntarily discharged from the Navy.

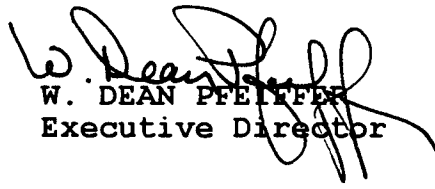
RECOMMENDATION:

- a. That Petitioner's naval record be corrected to show that on 17 May 1999 he was assigned an SPD of JBK and an RE-6 reenlistment code, vice the SPD and reenlistment code actually entered on his DD Form 214.
- b. That this Report of Proceedings be filed in Petitioner's naval record.
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director